



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SR: CMM: SRL

*271 Cadman Plaza East-7th Floor
Brooklyn, N.Y. 11201*

December 9, 2011

VIA ECF W/ COURTESY COPY

The Honorable Edward R. Korman
Senior United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Tummino, et al. v. Hamburg*
No. 1:05-cv-366 (ERK) (VVP)

Dear Judge Korman:

The undersigned Assistant U.S. Attorney writes to provide the Court with a status update regarding the above-referenced matter. The Food and Drug Administration ("FDA") is completing its review of the February 14, 2001 citizen petition (the "Citizen Petition"),¹ and expects to issue a decision on the Citizen Petition on or before December 13, 2011.

Thank you for Your Honor's time and consideration regarding this matter.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/ {Filed Electronically}
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¹ The Citizen Petition, which was submitted by the Association of Reproductive Health Professionals and sixty-five other organizations, requested that FDA exempt from prescription dispensing requirements two emergency contraceptive drug products, Preven and Plan B, as well as any generic versions of these products. See Civil Docket for Case # 1:05-cv-366-ERK-VVP, Entry No. 316-8.

cc: Suzanne Novak, Esq. (via ECF)
Janet Crepps, Esq.
Center for Reproductive Rights
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